



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

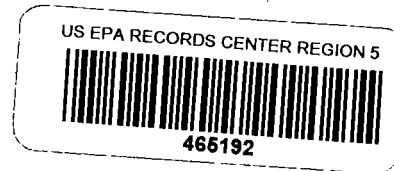
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DUPLICATE
RECORDS CENTER
7TH FLOOR

REPLY TO THE ATTENTION OF:

SE-5J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED



RE: Third Site
Zionsville, Indiana
General Notice of Potential Liability

Dear Sir or Madam:

The United States Environmental Protection Agency (U.S. EPA) has documented the release or threat of release of hazardous substances, pollutants and contaminants into the environment from the above-referenced facility, located adjacent to the Envirochem Superfund Site. U.S. EPA has spent and is planning to spend public funds to investigate and control these releases. This action will be taken by U.S. EPA pursuant to the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. §9601 et seq. (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986, Pub. L. No. 99-499, 100 Stat. 1613 (1986) (SARA).

U.S. EPA has determined that the parties identified as potentially responsible parties (PRPs) at the Envirochem Site are also PRPs at Third Site. Third Site was used for staging hazardous substances from the Envirochem Site. You or your company were identified as a PRP at the Envirochem Site and you or your company are therefore considered a PRP for Third Site. There were approximately 500 PRPs identified for these two sites. Responsible parties under CERCLA include the current and former owners and operators of the facility, persons who generated the hazardous substances, and persons who were involved in the transport, treatment or disposal of the hazardous substances at the facility. Under Section 107(a) of CERCLA, where U.S. EPA uses public funds towards the cleanup of the hazardous substances, responsible parties are liable for all costs associated with the removal or remedial action and all other necessary costs incurred in cleaning up the facility, including investigation, planning and enforcement costs.

U.S. EPA has determined that the following actions must be promptly taken at the above-referenced facility:

1. Conduct site survey and analysis of proposed location for realignment of Finley Creek
2. Conduct hydraulic study of Finley Creek at the oxbow bend to determine 100-year flood elevations and flow design requirements;
3. Complete a design report for realignment of Finley Creek in area of soil contamination;
4. Excavate creek cutoff to divert Finley Creek from oxbow bend adjacent to contaminated soils and close upper end of the oxbow with soil dam then fill oxbow bed with excavated material from creek cutoff; and
5. Develop and implement erosion control plan for use during and after construction of creek realignment.

Because of the discrete and limited nature of these time-critical response activities, U.S. EPA plans to limit its initial enforcement activity to issuing a unilateral administrative order (UAO) to a group including the largest contributors to Envirochem and to Third Site. If you or your company do not receive a UAO, that should not be taken as an indication that you are not liable for the work described above. Rather, it reflects U.S. EPA's judgement that it is not expedient or cost-efficient to issue a UAO to all known PRPs for this limited first phase of the work. Some other PRPs who are not named on the UAO are nonetheless participating in the Steering Committee that is performing this work. These participating PRPs will receive credit in any future settlement at this site for the money they are expending toward response costs.

A second, more substantial phase of response activities will be devoted in the near future to assessing and addressing contaminated soil and ground water at the Third Site. For this second phase U.S. EPA intends to pursue all PRPs concerning negotiations for the entry of an appropriate administrative consent order under which the PRPs would perform or finance response activities and reimburse U.S. EPA for its costs. Such a consent order would also address the first phase liability of those parties who did not receive the UAO. If a consent order cannot be promptly concluded, U.S. EPA may issue a unilateral order under Section 106 of CERCLA, requiring you to perform specified work. Under Sections 106 and 107 of CERCLA, you may be liable for reimbursement of U.S. EPA's costs, for statutory penalties, and for treble damages for noncompliance with such an order.

Because of the conditions described above, U.S. EPA believes that response activities at the Site must be initiated as quickly as possible. Therefore, U.S. EPA does not intend to utilize the special notice procedures available under Section 122(e) of CERCLA.

As described above, a Steering Committee has already begun response activities at the Site. U.S. EPA encourages you to contact the Steering Committee to discuss possible coordination with, and participation in, that Committee's future activities. The Steering Committee's primary contact for Third Site enforcement matters is Norman W. Bernstein, N.W. Bernstein & Associates, 2000 M Street, N.W., Washington, D.C. 20036, phone number (202) 466-8100, fax number (202) 466-8877.

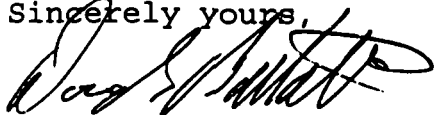
If you wish to respond to this notice, your response should be sent to:

Michael McAteer
U.S. EPA - Region 5
Superfund Division SR-6J
77 West Jackson Boulevard
Chicago, Illinois 60604

Your response should indicate the appropriate name, address and telephone number for further contact with you. If you are already involved in discussions with State or local authorities or involved in a lawsuit regarding this facility, you may continue such activities as you see fit. This letter is not intended to advise you or direct you presently to restrict or discontinue any such activities already underway; however, you are advised to report the status of those discussions or actions in your response to this letter and to provide a copy of your response to any other parties involved in those discussions or actions.

If you need further information regarding this letter, you may contact Thomas Krueger, of the U.S. EPA Office of Regional Counsel at (312) 886-0562.

Sincerely yours,



for Richard C. Karl, Chief
Emergency & Enforcement Response Branch

cc: Anthony Likins, Indiana Dept. of Environmental Management